

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HICKORY MCCOY, et al.,
Plaintiffs,

v.

INTERNAL REVENUE SERVICE, et al.,
Defendants.

No. 2:23-cv-0621 KJN P

ORDER

On April 3, 2023, plaintiffs, federal prisoners proceeding pro se, mailed to this court a document styled “Motion for Contempt of Court.” (ECF No. 1.) Plaintiffs seek leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

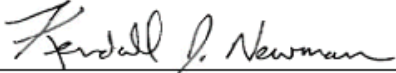
However, plaintiffs’ motion is addressed to the Northern District of California, and references the class action Scholl v. Mnuchin, No. 4:20-cv-05309 PJH (N.D. Cal.). Plaintiffs claim the court in Scholl determined that the Treasury and the Internal Revenue Service could not refuse to make the Economic Impact payments to incarcerated, but otherwise qualifying U.S. citizens. Plaintiffs ask the court to find defendants in contempt for failing to make such payments owed to qualifying plaintiffs.

In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

1 It appears from plaintiffs' filing that they intended to seek relief from the Northern
2 District of California, perhaps from the class action filed in the Northern District, No. 4:20-cv-
3 05309 PJH. Neither plaintiff is housed in this district and neither has a pending action in this
4 district in which the remedy of contempt is available. Because it appears this action was
5 improvidently opened as a civil rights action in the Eastern District, the Clerk of the Court is
6 directed to transfer this action to the United States District Court for the Northern District of
7 California in the interests of justice.

8 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
9 States District Court for the Northern District of California.

10 Dated: April 11, 2023

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12 KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE

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